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Group Art Unit: 2673

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United States Patent and Trademark Office

On September 19, 2002.

  
David M. Lilienfeld

*In re* application of: David M. Lilenfeld  
U.S. Serial Number: 09/379,646  
Group Art Unit: 2673  
Filing Date: August 23, 1999  
Title: **Cursor control device for  
convenient and ergonomic hand-held  
and work-surface use**

Documents being sent:

1. Certificate of Facsimile (2 pages);
2. Transmittal Form (1 page);
3. Amendment and Request for Reconsideration  
of Final Office Action (21 pages); and
4. Inventor's Affidavit (4 pages)

**28 total pages**

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PTO/SB/21 (08-00)


Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	09/379,646
	Filing Date	August 23, 1999
	First Named Inventor	Lilenfeld
	Group Art Unit	2673
	Examiner Name	Nguyen, Jimmy
Total Number of Pages in This Submission		Attorney Docket Number

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input checked="" type="checkbox"/> After Final <input checked="" type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	David M. Lilenfeld (Applicant/Inventor)
Signature	
Date	09/19/02

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9-21-02

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

*In Re* Appl. of: David M. Lilienfeld )  
Serial No.: 09/379,646 )  
Filed: August 23, 1999 )  
Examiner: Jimmy Nguyen )  
Group Art Unit No.: 2673 )  
For: **Cursor control device for  
convenient and ergonomic  
hand-held or work-surface  
use** )

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RECEIVED  
9-19-02**FIFTH AMENDMENT AND REQUEST FOR  
RECONSIDERATION OF FINAL OFFICE ACTION**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

In response to the outstanding final Office Action of July 24, 2002, Applicant submits the following Fifth Amendment and Request For Reconsideration of Final Office Action. It is not believed that an extension of time is required. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. Section 1.136(a), and any fees required therefore (including fees for net addition of claims) will be paid promptly by Applicant.

The Office Action mailed July 24, 2002 has been carefully considered. In response thereto, please consider the following.